

Message Text

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PAGE 01 LA PAZ 02034 182116Z

ACTION ARA-10

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TO SECSTATE WASHDC IMMEDIATE 4526

C O N F I D E N T I A L LA PAZ 2034

STADIS////////////////////////////////////

E.O. 11652: GDS

TAGS: CASC BL

SUBJ: AMERICAN PRISONERS IN BOLIVIA

1. RUTH FERNANDEZ, BOLIVIAN EMBASSY OFFICIAL NOW VISITING IN BOLIVIA (PLEASE PROTECT THIS INFO AND HER AS SOURCE) TOLD EMBASSY SHE RAISED US PRISONERS PROBLEM WITH PRESIDENT BANZER. HE SAID STEPS WERE BEING TAKEN TO EXPEDITE CASES, SAID SOME WOULD BE RELEASED FOR DEPORTATION, BUT MANY OTHERS MIGHT BE FOUND GUILTY AND WOULD HAVE TO SERVE THEIR SENTENCES. PRESIDENT SAID HE WOULD GIVE HER MORE EXACT INFORMATION TO TAKE TO AMBASSADOR CRESPO BEFORE SHE DEPARTS, AS NOW PLANNED FOR END OF WEEK BEGINNING MARCH 21.

2. AMBASSADOR ASKED SUB-SEC LEDESMA MARCH 17 ABOUT DEVELOPMENTS ON PRISONERS. HE SAID AS WE HAVE REPORTED THAT HE HAD TALKED WITH THE JUDGES AND FISCALES. ALSO THE CHIEF, SUPREME COURT IS IN LA PAZ TO ARRANGE FOR INCREASE IN NUMBER OF JUDGES. PRESS OF MARCH 18 ANNOUNCES IMMINENT NAMING OF NINE ADDITIONAL JUDGES. I TOLD HIM OF DISAPPOINTING HEARINGS AND LONG TIME FOR NEXT ONES. HE SAID DEFENSE LAWYERS SHOULD REQUEST IN WRITING JUDGES TO SET EARLIER DATES. HE OFFERED TO SUPPORT ACTION TAKEN BY DEFENSE LAWYER. WE WILL PUSH THEM.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LA PAZ 02034 182116Z

EM AMBASSADOR DISCUSSED PRISONERS SITUATION IN DETAIL WITH DISTINGUISHED BOLIVIAN ATTORNEY AND FORMER SUPREME COURT JUSTICE. ATTORNEY SAID SEEMED CLEAR THAT BURDEN OF DELAY IS FAULT OF DEFENSE LAWYERS. SAID DEFENSE ATTORNEYS MUST BE ACTIVE IN CASES, PLEADING FOR CLIENTS, OFFERING SUGGESTED REMEDIES TO JUDGE, AND STAYING IN TOUCH WITH JUDGE BEFORE AND AFTER HEARINGS. RECOMMENDED THAT WE HAVE OUR ATTORNEY HOLD STRATEGY MEETING WITH DEFENSE

ATTORNEYS AND THEN FOLLOW-UP PERFORMANCE OF EACH AT INDIVIDUAL HEARINGS. PROPOSED THAT DEFENSE ATTORNEYS BEGIN TO FILE WRITTEN REQUESTS FOR EARLIER HEARINGS, FOR PROMPT SENTENCING, ETC. SUGGESTED WE MAY NEED SECOND OVERSIGHT ATTORNEY OF OUR OWN AS NUMBER OF CASES RATHER LARGE. WE ARE INCLINED TO ACCEPT STRATEGY AND ARE REVIEWING PROPOSALS WITH OUR ATTORNEY. WE HOPE THIS APPROACH TOGETHER WITH PRESSURE ON MINISTRY, FISCALES, AND JUDGES WILL BRING SOME CASES TO CONCLUSION SOON. NOTE, TOO, ATTORNEY SAID IT WOULD HELP IF US NEGOTIATED TREATY LIKE MEXICAN ONE AS WOULD ALLEVIATE CONCERNS OF JUDGES TO SENTENCE AMERICANS.

4. WE HAVE COPY OF MIMEOGRAPHED GUIDANCE ISSUED BY LAOS/ASF, 4920 PINEY BRANCH RD, NW, WASHINGTON, DC 20011, TEL 202-723-8273 AND 723-8275 SIGNED BY "LARRY" PROPOSING LETTERS AND PHONE CALLS TO TODMAN, PACE, MOSKOWITZ, FIELDS, SEC VANCE, CONGRESSMAN STARK, "CHIP" CARTER, VICE PRESIDENT MONDALE, AND OWN CONGRESSMAN AND SENATORS ON BEHALF OF PRISONERS. SHEET SAYS STATE DEPT SAID ACTION WOULD BE TAKEN BY GOB TOWARD RELEASE OF PRISONERS BY MARCH 1. SUGGESTED THAT PRESSURE BE KEPT ON, THAT CONGRESS ALERTED TO MARCH DEADLINE AND WILL BE EXERTING PRESSURE. SUGGESTED ORGANIZING CAMPAIGN OF OTHERS TO WRITE, CABLE, AND PHONE. SUGGESTED EXPRESS PERSONAL ANGUISH, STRESS ACTION OR INACTION BY EMBASSY, CONTACT OR LAST OF CONTACT WITH AMERICAN OFFICIALS, AND CONTACT, SUSPICION, AND FEELINGS ABOUT DEA. COPY OF TWO PAGE GUIDANCE BEING POUCHED TO PACE, ARA/AND/B.

5. IN VIEW RECOMMENDATION FROM DISTINGUISHED ATTORNEY AND INEVITABLE FINDINGS OF GUILT IN SOME CASES WITH LENGTHY SENTENCES, AMBASSADOR REQUESTS DEPT AUTHORIZE HIM TO OFFER TO GOB THAT WE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LA PAZ 02034 182116Z

WILL SEND NEGOTIATING TEAM TO PREPARE MEXICO-TYPE TREATY. THIS MAY HELP WITH PRESENT CASES.

6. WE PLAN MEET WITH COL APARICIO UPON HIS RETURN SUNDAY, MARCH 20 TO INVOLVE HIM IN CASES.

7. WE NOTE THAT FINAL HEARING SCHEDULED MARCH 22 FOR WILLIAM FLOYD AND WE WILL HAVE OUR TEAM ATTEND. PLAN REQUEST PROMPT DECISION BY JUDGE.
STEDMAN

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